

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

UNITED STATES OF AMERICA

CASE NO. 2:04-CR-20127-03

VERSUS

JUDGE JAMES D. CAIN, JR.

KALUB DOYLE JR (03)

MAGISTRATE JUDGE KAY

MEMORANDUM ORDER

Before the court is a renewed Motion for Compassionate Release [doc. 232] filed by defendant Kalub Doyle Jr., who is serving a term of imprisonment imposed by this court. The government opposes the motions. Doc. 234.

**I.
BACKGROUND**

Doyle is serving a term of imprisonment following his conviction in this court of one count of assault with a dangerous weapon, stemming from a fight he was involved in while incarcerated at the Federal Correctional Institution at Oakdale, Louisiana. Doc. 1; *see United States v. Doyle*, 412 F. App'x 710 (5th Cir. 2011). He filed a motion for compassionate release in this court, seeking a reduction in sentence based on the dangers posed by the COVID-19 pandemic. Doc. 223. The court denied the motion on the grounds that Doyle had not exhausted his administrative remedies. Doc. 229. Doyle now brings a renewed motion, after being denied relief through the BOP. Doc. 232. The government opposes the motion on the merits. Doc. 234.

II. LAW & APPLICATION


A sentence of imprisonment may only be modified by the district court in limited circumstances. *Dillon v. United States*, 560 U.S. 817, 825 (2010). The court may reduce a term of imprisonment for “extraordinary and compelling reasons” so long as they are “consistent with applicable policy statements issued by the Sentencing Commission.” 18 U.S.C. § 3582(c)(1)(A). Following passage of the First Step Act in 2018, inmates may use this provision to directly petition the court for compassionate release.

Here Doyle cites his preexisting medical conditions and fear of the COVID-19 pandemic. As the government shows, however, he has received both doses of the Pfizer COVID-19 vaccine. Doc. 234, att. 2. Accordingly, Doyle is protected against the virus even in an institutional setting. His case does not present “extraordinary and compelling reasons” warranting a modification of his term of imprisonment.

III. CONCLUSION

For the reasons stated above the defendant’s Motion for Compassionate Release [doc. 232] is hereby **DENIED**.

THUS DONE AND SIGNED in Chambers on this 14th day of July, 2021.



JAMES D. CAIN, JR.
UNITED STATES DISTRICT JUDGE